

AT A REGULAR MEETING OF THE DUMFRIES TOWN COUNCIL HELD ON TUESDAY, NOVEMBER 12, 2013, IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE:

Charles C. Brewer, ;
Gerald M. Foreman, II, ;
Kristin W. Forrester, ;
Helen D. Reynolds, ;
Willie J. Toney, ;
Gwen P. Washington, ;
Derrick R. Wood, ;

RESOLUTION TO AUTHORIZE THE TOWN MANAGER ADVERTISE A PUBLIC HEARING TO SEEK CITIZEN INPUT ON WHETHER TO MOVE TOWN ELECTIONS FROM MAY TO NOVEMBER

WHEREAS, the Prince William County Electoral Board petitioned the Town Council to consider changing its biennial Town Elections to the November General Election in June; and

WHEREAS, at the August 20, 2013 Council meeting Council directed to the Town Attorney to provide information regarding having a referendum placed on the May ballot; and

WHEREAS, at the September 9, 2013 Council meeting Council discussed the options provided by the Town Attorney and requested further information on the number of registered voters in the Town; and

WHEREAS, at the October 1, 2013 Council meeting discussions were held on whether to hold a referendum or public hearing; and

WHEREAS, Council voted to hold a public hearing at the December 10, 2013 Council meeting to seek citizen input on whether a change was desired by the citizens to move the May elections to November before moving forward with a request to the General Assembly to change the Town Charter.

NOW, THEREFORE, BE IT RESOLVED by Town Council that the Town Manager is authorized to advertise for a public hearing to be held on December 10, 2013 to consider citizen input on whether to change the biennial Town elections from May to November.

By Order of Council:

Gerald M. Foreman, Mayor

ATTEST:

Dawn Hobgood, Town Clerk

TOWN OF DUMFRIES

NOTICE OF PUBLIC HEARING
7:00 PM or as soon thereafter as may be heard
December 10, 2013
Town Hall
17755 Main Street
Dumfries, VA 22026

**THE TOWN COUNCIL OF DUMFRIES IS HOLDING A PUBLIC HEARING
TO SEEK CITIZEN INPUT ON WHETHER TO MOVE
TOWN ELECTIONS FROM MAY TO NOVEMBER**

Please Take Notice that the Council for the Town of Dumfries is seeking citizen input on whether to move its elections for Mayor and Town Council from the first Tuesday in May to the general election date in November beginning with the 2015 election cycle (the first Tuesday after the first Monday in November). Currently, the Town Charter provides for May elections. Virginia Code §15.2-202 provides that the Town Council may request the General Assembly to grant to it a new charter or to amend its existing charter may hold a public hearing with respect thereto, at which citizens shall have an opportunity to be heard to determine if the citizens of the locality desire that the locality request the General Assembly to grant to it a new charter, or to amend its existing charter.

All supporting material is available for public inspection at the Office of the Town Clerk at 17755 Main Street, Dumfries, Virginia 22026 between the hours of 8:30 AM and 5:00 PM; M-F. The public hearing is being held in a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility or needing to discuss accommodation of a disability should contact the Town Clerk at 703-221-3400 or dhobgood@dumfriesva.gov, during normal working hours.

Gerald M. Foreman, Mayor



Kimball W. Brace
Acting General
Registrar

COUNTY OF PRINCE WILLIAM

VOTER REGISTRATION and ELECTIONS

9250 Lee Avenue, Suite 1

Manassas, Virginia 20110-5554

(703) 792-6470 FAX: (703) 792-6461

www.pwcgov.org/vote

pwcvote@pwcgov.org

ELECTORAL BOARD

Keith A. Scarborough, Chairman
Richard E. Hendrix, Vice Chairman
Guy Anthony Guiffre, Secretary

June 8, 2013

The Honorable Gerald M. Foreman II
Town Council Members
17755 Main Street
Dumfries, VA 22026

Dear Mayor Foreman and Council Members:

The Prince William County Electoral Board is again petitioning you to consider moving your biennial Town Election to the November General Election.

We believe that you will have a larger turnout in your election if it coincides with the candidates and issues on the November ballot. Our voting equipment and the ballot itself will be protected so that only Town of Dumfries voters will be allowed to vote for the Town issues and candidates.

If you will change your charter so that you will hold your elections in November instead of in May, we will absorb your election costs and not charge the Town.

We look forward to your thoughts on this request.

Sincerely,

G. Anthony Guiffre

cc: Keith A. Scarborough
Richard E. Hendrix
Kimball W. Brace
Dawn Hobgood



DUMFRIES, VIRGINIA

Virginia's Oldest Continuously Chartered Town
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17755 Main Street
Dumfries, Virginia 22026-2386
Tel: 703-221-3400 / Fax: 703-221-3544
www.dumfriesva.gov

MEMORANDUM

TO: Mayor Foreman, Vice Mayor Toney, Council
Dan Taber, Town Manager
FROM: Christine R. Sanders, Town Attorney
DATE: August 27, 2013
RE: Research to allow for a change from May to November for Town
Council elections

Analysis:

Currently, the **Dumfries Town Charter** section 3.01 states:

- (a) The Town of Dumfries shall be governed by a town council elected at large and composed of a mayor and six other members, all of whom shall be qualified voters of the town. Candidates for town offices shall not be identified on the ballot by political affiliation. In order to have their names placed on the ballot, all candidates shall be nominated only by petition as provided by general law pursuant to Code of Virginia, § 24.2-506.
- (b) On the first Tuesday in May 1994, and every four years thereafter there shall be elected by the qualified voters of the town a mayor and three councilmembers from the town at large. On the first Tuesday in May 1996, and every four years thereafter there shall be elected three councilmembers from the town at large.
- (c) The persons elected shall take office on July 1 succeeding their election and remain in office until their successors have qualified and taken office.

Accordingly, the Town would need to amend its charter in order to move elections from May to November. Virginia Code Section 24.2-222.1 allows for the change in election dates. However, no ordinance adopting this change in election dates may be passed between January 1 and May of the date of an election year. So change in election dates may not occur until after the May 2014 elections.

Council indicated a desire to hold a referendum in order to put the question of changing the election dates from May to November to a vote by the registered voters.

However, there is no enabling legislation that allows for a referendum absent specific authority in the Virginia Code. Authority for a referendum on changing elections from May to November may occur pursuant to Virginia Code Section 24.2-222.1 (B) which states *inter alia*:

the registered voters of a city or town may file a petition with the circuit court of the county within which the town is located asking that a referendum be held on the question of whether the city or town should elect the mayor. . . and council members at the November general election date of any cycle as designated in the petition. The petition shall be signed by registered voters equal in number to at least ten percent of the number registered in the. . . town on the January preceding the filing.

The Court, shall order the election officials on a day fixed in the order to conduct a referendum on the question, provided that no such referendum shall be scheduled between January 1 and the May general election date of the year in which the . . . town elections regularly are scheduled to be held therein.

Alternatively, a special election to change the Charter may be held pursuant to Virginia Code § 15.2-201, Charter elections; subsequent procedure; procedure when bill not introduced or fails to pass in General Assembly, which states, *inter alia*,:

A locality may provide for holding an election to be conducted as provided in § **24.2-681** et seq. of Title 24.2 to determine if the voters of the locality desire that it request the General Assembly to grant to the locality a new charter or to amend its existing charter. At least ten days prior to the holding of such election, the text or an informative summary of the new charter or amendment desired shall be published in a newspaper of general circulation in the locality.

If a majority of the voters voting in such election vote in favor of such request, the locality shall transmit two certified copies of the results of such election together with the publisher's affidavit and the new charter or the amendments to the existing charter, to one or more members of the General Assembly representing such locality for introduction as a bill in the succeeding session of the General Assembly.

Or, in lieu of holding a special election (as set forth above) to request a change to the Town Charter, Virginia Code § 15.2-202. Public hearing in lieu of election; procedure when bill not introduced or fails to pass in General Assembly, states, *inter alia*:

In lieu of the election provided for in § **15.2-201**, a locality requesting the General Assembly to grant to it a new charter or to amend its existing charter may hold a public hearing with respect thereto, at which citizens shall have an opportunity to be heard to determine if the citizens of the locality desire that the locality request the General Assembly to grant to it a new charter, or to amend its existing charter. At least ten days' notice of the time and place of such hearing and the text or an informative summary of the new charter or amendment desired shall be published in a newspaper of general circulation in the locality. Such public hearing may be adjourned from time to time, and upon the completion thereof, the locality may request,

in the manner provided in § **15.2-201**, the General Assembly to grant the new charter or amend the existing charter and the provisions of § **15.2-201** shall be applicable thereto.

Conclusion:

Council may spearhead the circulation of a petition pursuant to Virginia Code Section 24.2-222.1, hold a special election, pursuant to Virginia Code Section 15.1-201, or hold a public hearing pursuant to Virginia Code Section 15.1-202. Regardless of the process, the town will then need to file for a change to its Charter and have it approved at the next session of the Virginia General Assembly.

I have spoken with Dianna Dutton of the Prince William County Board of Elections and there is no additional fee charged for having a referendum placed on the ballot of a normal election date. If the Town holds a special election, there will be additional costs involved.